

REMARKS

Claims 1-35 are pending in the present application of these claims, all stand rejected. The Applicant respectfully requests reconsideration of the rejections based on the following reasons.

Claims 1-10, 13-27, 30, and 31 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatenable over claims 1-33 of U.S. Patent No. 6,510, 032. Without commenting on the merits of this rejection, the Applicants respectfully traverses and submits that the terminal disclaimer, filed herewith, overcomes this rejection. Accordingly, the Applicant requests that this rejection be withdrawn.

Claims 11, 12, 28, 29, and 32-35 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatenable over claims 1-33 of the '032 patent in view of U.S. Patent No. 6,377,435 to Nabell et al. The Applicant respectfully traverses this rejection without commenting on the merits. Specifically, the terminal disclaimer filed with the present amendment is believed to overcome the non-statutory double patenting rejection and request withdrawal of the rejection, accordingly.

Claims 1-3, 5-10, 13, 15, 20, 23, 24, 26, and 30 were rejected under 35 U.S.C. §102(b) as being anticipated by Oguchi et al. (U.S. Patent No. 5,408,379). The Applicant respectfully traverses this rejection for the following reasons.

With respect to claim 1, the Office Action asserts that Oguchi et al. teaches all of the elements of this claim. Specifically, Figure 16 of Oguchi et al. is relied upon as illustrating an overcurrent device (i.e., a fuse), an overvoltage device 28 and a plurality of terminals 66a-d. The Office Action further asserts that Oguchi et al. teaches the featured element of "a part of the overvoltage protection portion [serving] as one of the plurality of terminals." In support of this assertion, the Office Action refers to the overvoltage protection portion 28 serving as one of the terminals putatively illustrated in Figure 15 as A' and 28. The Applicant respectfully disagrees with this assertion for numerous reasons.

First, Figure 15 appears to have been cited in error since this figure does not correspond to the device illustrated in Figure 16. More appropriate, Figure 19 illustrates a circuit diagram of the device illustrated in Figure 16 as it is used to protect an electronic circuit 30. (See column 3,

lines 19-20). Nonetheless, Figure 19 illustrates essentially the same circuit as Fig. 16 except for the use of a conductive film 15 instead of a fuse 56.

More significantly, however, Figure 16 illustrates a surge absorber 28 (i.e., an overvoltage device) that is connected through openings 69 into a first base 64. As is described by Oguchi et al., further connections are made within this base 64 before actually connecting to the conducting plugs 66a-c. (See column 7, lines 38-53). Thus, the assertion that any one of the plurality of connecting plugs 66 could be characterized as being part of the surge absorber 28 is patently false. Moreover, one of ordinary skill in the art would not even contemplate such a characterization as obvious. Specifically, the base 64 is used to effect different connections between the surge absorber 28, the circuit opening device 10 and the heat generating resistant film 13 prior to electrically connecting to the plugs 66. In contrast, claim 1 specifically features that an actual "part of the overvoltage protection portion serves as one of the plurality of terminals." Accordingly, the Applicant respectfully submits that Oguchi et al. does not teach or even suggest all of the elements of claim 1. Accordingly, the Applicant requests withdrawal of this rejection.

With respect to dependent claims 2, 3, and 5-10, the Applicant submits that these claims are allowable at least by virtue of their dependency on independent claim 1.

With respect to independent claim 13, the Office Action asserts that Oguchi et al. teaches all of the claimed elements. In particular, Figures 14 and 15 appear to be relied upon as putatively teaching the claimed elements. The Applicant respectfully disagrees for the following reasons.

First, claim 13 features "an overvoltage protection device electrically connected to the second terminal and being contained by the circuit element mounting member, wherein a part of the overvoltage protection portion serves as the third terminal." In support of the assertion, the Office Action purports that overvoltage device 28 features a terminal 28b serving "as a part of the overvoltage voltage [sic] that is the third terminal." This assertion, however, extrapolates far beyond the information illustrated in Figures 14 or 16 of Oguchi et al. That is, the lower end 28b of the surge absorber 28 is simply electrically connected to a terminal A' and in no way constitutes the "third terminal" itself. Moreover, the Office Action appears to disregard the visual information provided in Fig. 14. Specifically, as may be seen in the line from terminal A'

a break is shown in this line to illustrate either distance or, more likely, that a base such as base 64 is interposed between the surge absorber 28 and the terminal A'. Accordingly, the assertion that Oguchi et al. is anticipatory is simply false and disregards the clear and plain teaching of Oguchi et al. Furthermore, one of ordinary skill in the art would not see the claimed elements as obvious in light of Oguchi et al. because no teaching or suggestion is given to make a part of an overvoltage protection portion itself as a terminal. Accordingly, the Applicant respectfully requests that the rejection of this claim be withdrawn.

With respect to dependent claim 15, 20, and 26, the Applicant submits that these claims are allowable at least by virtue of their ultimate dependency on independent claim 13. Further with respect to dependent claims 23 and 24, the Applicant respectfully submits that the rejection of these claims appears to be erroneous since claim 21, from which these claims directly depend, has not been rejected. Accordingly, these claims are also believed to be allowable.

Finally, with respect to dependent claim 30, for the reasons presented above, this claim is also believed to be allowable over Oguchi et al. because the reference does not teach or suggest an overvoltage protection element serving as a terminal.

Claims 4 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Oguchi et al. in view of Figure 1 of the present application. Without commenting on the merits of this rejection, the Applicant respectfully submits that these claims are allowable at least by virtue of their dependencies on independent claims 1 and 13, respectively.

In light of the foregoing comments, the Applicant submits that the application is in condition for allowance and requests that the timely notice of allowance be issued in this case.

Respectfully submitted,

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